

Appl. No. : 10/810,782
Filed : March 26, 2004

REMARKS

This is in response to the Office Action mailed April 14, 2008. Claims 1-9 and 16-17 are pending in the application after this Response, Claims 10-15 having previously been cancelled and Claims 16-17 newly added herein.

By the Action, the Examiner maintained the rejection of Claims 1, 6, 8 and 9 under 35 U.S.C. § 102(e) as being anticipated by Luciano, Jr. (US 2003/0232638). The Examiner rejected Claims 2-5, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Luciano in view of Bennett et al. (WO 00/32286).

Independent Claim 1

The Examiner asserts that Luciano discloses displaying a secondary indicia with player selected numbers that were deemed to match (check mark and shaded area) and displaying a secondary indicia with player selected numbers that were determined not to match (check mark, area not shaded). So that the language of Claim 1 more distinctly recites the invention over Luciano, Applicant has amended Claim 1.

As amended, Claim 1 recites a method in which player selected numbers are marked with a first indicator (see player selected numbers *highlighted* in Figure 2 of the present application). In accordance with the method, once the game numbers are drawn, the first indicator associated with each player number is replaced by a secondary indicia (see Figure 5 of the present application wherein the highlighting associated with each player selected number has been replaced by a secondary “smiley” indicia which either indicates a match or no match). If the player number

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matches a game number, the secondary indicia has an attribute indicating a match. If the player number does not match any game number, the secondary indicia has an attribute indicating no match.

In this manner, a player can easily see that each player number has been compared to each game number. If no matches occurred, then the secondary indicia indicates such. If a match did occur, then the secondary indicia indicates such as well.

Applicant asserts that Luciano does not disclose a keno game where the player selected numbers are indicated with a first indicator, and where that first indicator is then replaced with a secondary indicia indicating a match or no match. Luciano discloses marking player numbers with a check mark, but those check marks are never removed or replaced with secondary indicia. For at least these reasons, Applicant asserts that Claim 1 defines an invention which is patentable over Luciano.

Dependent Claims 2-9 and 16-17

Applicant asserts that dependent Claims 2-9 and 16-17 are allowable for at least the reason they depend from allowable Claim 1, and for the reason that these claims define additionally patentable subject-matter.

Again, Applicant asserts that Luciano does not disclose the base method as claimed in Claim 1. Applicant asserts that Bennett does not solve that shortcoming. Bennett discloses use of an animated character, such as a "Mr. Cashman" character. However, Bennett does not disclose use of different types of indicators to identify or designate matching and non-matching player/game numbers.

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Summary

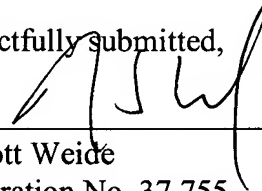
Applicant asserts that Claims 1-9 and 16-17 are in a condition for allowance and respectfully request a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Dated: _____

July 11, 2008

By: _____

Respectfully submitted,


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